RAJYA SABHA

Monday, 23 *November*, 2009/2 *Agrahayana*, 1931 *(Saka)*

The House met at eleven of the clock,
MR. CHAIRMAN in the Chair.

ANNOUNCEMENT BY THE CHAIR

MR. CHAIRMAN : I have received a notice for suspension of Question Hour today, this morning, on the issue of leakage of the Liberhan Commission Report in a newspaper and in the media. I wish to inform the House that already the Business Advisory Committee has identified the issue of "speedy disposal of the Babri Masjid case and tabling of the Liberhan Commission Report" for discussion. I would like that there should be a structured discussion on this subject. However, in view of the notice that I have received from the Leader of the Opposition, I would like him to speak on the admissibility of the notice for suspension of Question Hour, particularly in view of the fact that the Business Advisory Committee has already to have a discussion on the subject.

SHRI BIRENDRA PRASAD BAISHYA (Assam) : Sir, we have given a notice on Assam*...(Interruptions)...*

MR. CHAIRMAN : Let the Leader of the Opposition speak*...(Interruptions)...*

SHRI SATYAVRAT CHATURVEDI (Uttarakhand) : Sir, before the Leader of the Opposition starts discussing on the merits and demerits of the case, in fact*...(Interruptions)...*

MR. CHAIRMAN : He has to speak only*...(Interruptions)...* Please hear me for a minute. I have said in the last sentence here that he has to speak on the admissibility of the notice*...(Interruptions)...* Let us hear the Leader of the Opposition.

SHRI SATYAVRAT CHATURVEDI : Sir, will he confine to the admissibility only?*...(Interruptions)...*

MR. CHAIRMAN : Please do not anticipate*...(Interruptions)...* Let the Leader of the Opposition speak. Mr. Ahluwalia, please sit down*...(Interruptions)..*

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY) : Sir, I am extremely grateful to you for permitting me to raise the issue. I must state, responding to your ruling, that the issue which I intend to raise is completely different from the issue on which you have allowed the discussion*...(Interruptions)*

MR. CHAIRMAN : Please just explain why you want to raise this question.

SHRI ARUN JAITLEY : Sir, I am precisely explaining that. The issue which you have allowed for discussion is the question of speedy trial or a speedy disposal of the case and also the tabling of the report. What has today happened is, pending the tabling of the report we now have a situation...*(Interruptions)*

श्री सत्यव्रत चतुर्वेदी : सभापति जी, मेरी इस पर आपत्ति है और मेरी आपत्ति यह है कि ....(**व्यवधान**)...

श्री सभापति : आप नेता विपक्ष को अपनी बात खत्म कर लेने दीजिए।....(व्यवधान)...

श्री सत्यव्रत चतुर्वेदी : नेता विपक्ष को आपने जो अनुमति दी है....(व्यवधान)...

श्री एस. एस. अहलुवालिया (झारखंड) : यह सभापति जी तय करेंगे, आप तय नहीं करेंगे।....(व्यवधान)...

श्री सत्यव्रत चतुर्वेदी : आपने जो अनुमति दी है, वह ....(**व्यवधान**)...

श्री एस. एस. अहलुवालिया : आपने जो अनुमति दी है उसकी वे परिभाषा ....(**व्यवधान**)...

MR. CHAIRMAN : At this rate, we will get nowhere...*(Interruptions)*... Please allow the Leader of the Opposition to speak.

श्री एस. एस. अहलुवालिया : आपने जो अनुमति दी है, इसकी परिभाषा वे बताएंगे?....(व्यवधान)... उसकी परिभाषा वे बतायेंगे?....(व्यवधान)...

SHRI M. VENKAIAH NAIDU (Karnataka) : After Mr. Chairman has allowed, what is this objection? ...*(Interruptions)*...

MR. CHAIRMAN : I have stated my position very clearly, I want the Leader of the Opposition to explain why he wants his notice for suspension of Question Hour to be admitted. He is very well aware of the rules of the House and the procedures involved...*(Interruptions)*...

SHRI SATYAVRAT CHATURVEDI : He is obliged to confine to only the admissibility.

MR. CHAIRMAN : Yes, prescisely...*(Interruptions)*...

SHRI ARUN JAITLEY : Sir, we are really grateful to my learned friend for bringing the rules of procedure to your notice. Perhaps, the Chair does not need to be educated by him. The question today is limited to the fact that pending the tabling of the Report before this House along with the Action Taken Report, we are now confronted with a situation where a report which is available only with two entities -- it is either available with the Government of India or it is available with their Commission -- from either of the two reports, the dignity of this House is completely breached and pending the tabling of the report before this House with an authentic Action Taken Report and we have an authentic copy of the report which is tabled, you now have a leakage of this Report taking place in a section of the media. The source of leakage is indicated in the report itself when the report says that sources in the Union Home Ministry has confirmed to the Indian Express that the Report is also severly critical of many Muslim leaders, representing organisations such as the Babri Masjid Action Committee and All India Masjid Action Committee.

MR. CHAIRMAN : Now you are giving credence to these reports.

SHRI ARUN JAITLEY : No, I am giving...*(Interruptions)*...

MR. CHAIRMAN : No newspaper will be important to the House...*(Interruptions)*.. Please ...*(Interruptions)*..

SHRI SANTOSH BAGRODIA (Rajasthan) : How did he get the authentic report?...*(Interruptions)*

SHRI ARUN JAITLEY : The entire ...*(Interruptions)*... Sir, this House...*(Interruptions)*..

MR. CHAIRMAN : We have agreed to have a structured debate.

SHRI ARUN JAITLEY : Pending the structured debate, it is the right of this House to first get a copy of this report on an Action Taken Report. Here is the Government of India, which instead of presenting the Report in the House leaks the Report to a section of the media rather than place it before this House...*(Interruptions)*... I have no hesitation in saying that the copy of this Report is only available either with the Commission or with the Government of India. It could not have been leaked by any other Third Front. Therefore, we want a discussion on the fact as to how was this report made available to the media without it being made available to this House in the first instance. Therefore, our demand is ...*(Interruptions)*...

SHRI SITARAM YECHURY (West Bengal) : Sir, I Just want to ask whether they are prepared to place the report in the House...*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA : Sir, in Assam there was a blast and six people died and I have given a notice...*(Interruptions)*...

MR. CHAIRMAN : Please, please, we are discussing another matter.

SHRI BIRENDRA PRASAD BAISHYA : Sir, we want through you...*(Interruptions)*...

SHRI SITARAM YECHURY : Sir, the Government is here and the Parliament is in Session. We want, through you, an assurance. Why can't we table the report?

SHRI ARUN JAITLEY : Why can't the Government place the report and have a discussion straightaway on the subject.

MR. CHAIRMAN : I think it is already agreed that we are going to have a discussion...*(Interruptions)*..

SHRI ARUN JAITLEY : How is it published in the newspapers? And the report itself says that it is the Government of India which is informing and the Union Home Ministry which is informing ...*(Interruptions)*---

MR. CHAIRMAN : Yes, may I hear the hon. Minister.

श्री अरुण जेटली : सर, इस सदन में रखे जाने से पहले यह रिपोर्ट इस अखबार में कैसी छपी है...(व्यवधान)...

MR. CHAIRMAN : We have informed the Government on the subject. Let us hear the Government on the subject...*(Interruptions)* He has taken the position. Let us hear him.

श्री अरुण जेटली : सरकार को आदेश दिया जाए कि यह रिपोर्ट तुरंत पेश की जाए, ताकि इसके ऊपर चर्चा हो सके...(व्यवधान)...

MR. CHAIRMAN : Let us hear the Government on this...*(Interruptions)*..

श्री अरुण जेटली : यह रिपोर्ट आज 12 बजे पेश हो सकती है ...(**व्यवधान**)...

MR. CHAIRMAN : Please, please ...*(Interruptions)*...

श्री एस. एस. अहलुवालिया : सर, आज सदन के पटल पर यह रिपोर्ट रखी जाए और तब तक सदन की कार्यवाही स्थगित की जाए...(व्यवधान)...

श्री अमर सिंह (उत्तर प्रदेश) : सर, हमने भी नोटिस दिया है...(व्यवधान)...

MR. CHAIRMAN : We are getting nowhere with this....*(Interruptions)* Please let us hear the Government...*(Interruptions)*...Please, please ...*(Interruptions)*... कोई किसी की बात नहीं सुन रहा है, इससे क्या फायदा है ...(**व्यवधान**)... The Minister wishes to speak...*(Interruptions)*...

SHRI ARUN JAITLEY : Sir, our desire in specific is, you as the Chair must inquire from the Government as to who has leaked this report. The dignity of this house has been lowered by not placing the report before the House and leaking it to the media. The Government must immediately place the report along with an ATR and start a discussion on the report rather than ...*(Interruptions)*...

MR. CHAIRMAN : Let us hear the Government...*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA : Sir, we had wanted a debate on the bomb blast in Assam.

MR. CHAIRMAN : We have not come to that as yet.

SHRI BIRENDRA PRASAD BAISHYA : Please allow us to speak. There was a bomb blast and seven people were killed and more than 50 have been injured. Sir, allow us to speak on this...*(Interruptions)*...

MR. CHAIRMAN : I have received several notices. Baishyaji, please sit down...*(Interruptions)*...

श्री अमर सिंह : सर, यह बहुत गंभीर मामला है ...(**व्यवधान**)... नेता प्रतिपक्ष ने जो कहा है मुझे इतना ही कहना है कि आपने BAC में इसके ऊपर structured discussion के लिए अनुमति दी है। मेरा यह मानना है कि सिर्फ गृह मंत्रालय के पास या कमीशन के पास यह रिपोर्ट थी और आज इस रिपोर्ट का अखबार में आना, यह बहुत दु:खद है और बहुत निंदनीय है क्योंकि सदन का सत्र चलते हुए इस रिपोर्ट का लीक होना बहुत गंभीर मामला है। ...(**व्यवधान**)...

श्री सभापति : अमर सिंह जी, कृपया पहले जरा सरकार की बात सुन लीजिए...(व्यवधान)...

श्री अमर सिंह : बाबरी मस्जिद एक्शन कमिटी के ऊपर हमला करना बहुत गंभीर मामला है...(व्यवधान)...

MR. CHAIRMAN : Mr. Baishya, please sit down...*(Interruptions)*... Would you please allow the Minister reply? ...*(Interruptions)*...

SHRI SITARAM YECHURRY : Sir, we want that your good offices be used to persuade the Government and let us have a structured discussion on the Report.

श्री नन्द किशोर यादव : सर, हमने भी नोटिस दिया था।

श्री सभापति : कृपया आप बैठ जाइए, पहले एक मिनट जरा सुन लीजिए।

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY. THE MINISTER OF STATE OF THE MINISTRY OF EARTH SCIENCES, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE. THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN) : Sir, the hon. Leader of the Opposition has raised two issues. ..*(Interruptions)*... The first one is, he has specificially asked about laying of the Report along with the ATR. That is one issue.

The second issue raised was about the leakage of the Report and he has attributed that the Home Ministry officials have said something on the Report to the newspaper. First of all, I strongly deny that the Home Ministry has anything to do with it. Sir, the Government is prepared to make a statement on this...*(Interruptions)*... Please listen to me ...*(Interruptions)*...

श्री प्रकाश जावडेकर (महाराष्ट्र) : सर, यह कहां से आया है?

SHRI S.S. AHLUWALIA : What is 'strongly denied'?...*(Interruptions)*...

SHRI PRITHVIRAJ CHAVAN : The Government is prepared to make a statement. Sir, whenever you direct, the hon. Home Minister will come. When you direct him to come here, he will come. He is ready to make a statement on this entire episode. So, I request you, let the Question Hour proceed ...*(Interruptions)*... Let the hon. Minister come and place all the facts before the House on the Report ...*(Interruptions)*...

श्री प्रकाश जावडेकर : सर, आज किया जाए।

MR. CHAIRMAN : I think, the Home Minister will make a statement. Let us accept that...*(Interruptions)*... He has already said that the Home Minister shall make a statement. We shall work that out...*(Interruptions)*...

SHRI PRITHVIRAJ CHAVAN : Sir, let the Question Hour continue, the hon. Home Minister will make a statement at 12 o' clock.

SHRI S.S. AHLUWALIA : Sir, then, let the House be adjourned till 12 o' clock ...*(Interruptions)*...

MR. CHAIRMAN : Okay, that settles the matter...(Interruptions)... At 12 o'clock...*(Interruptions)*...the Home Minister will make a statement Now, let us get on with the Question Hour...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU : Sir, it is the question of prestige of the House...*(Interruptions)*... Why the hon. Home Minister has not come now? ...*(Interruptions)*...

MR. CHAIRMAN : Question No. 41 ...*(Interruptions)*... hon. Members, 12 o' clock is the time to make a statement by Home Minister ...*(Interruptions)*... It is only forty-five minutes from now...*(Interruptions)*... Please allow the Question Hour to continue...*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA : Sir, I have given notice on the bomb blasts in Assam. I should be allowed to speak on this ...*(Interruptions)*....

MR. CHAIRMAN : I think, the Members do not want the Question Hour to proceed. That is your decision.

The House is adjourned till 12 o' clock.

(The House then adjourned at thirteen minutes past eleven of the clock)

The House re-assembled at twelve of the clock,

MR. DEPUTY CHAIRMAN in the Chair

WRITTEN ANSWERS TO STARRED QUESTIONS

Delivery of reserved judgements

*41. SHRI VIJAY JAWAHARLAL DARDA :
DR. ABHISHEK MANU SINGHVI :

Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether it is a fact that judgements are delivered by the Judges of Supreme Court and High Courts long after completion of the trial proceedings;

(b) the number of such cases during the years 2007 and 2008; and

(c) the longest duration for delivering a reserved judgement in Supreme Court and High Courts during the last five years?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY) : (a) to (c) As per the information received from the Supreme Court of India, the judgements are pronounced by Honuble Judges in the Supreme Court within a reasonable time at the earliest. The Advocates and Parties submit their written submisions after hearing of the matter for further consideration of the Court before judgement is prononuced. This is a judicial process and the Registry does not maintain any record relating to the duration for pronouncement of judgements. However, the Honuble Court had pronounced 1619 judgements in the year 2007 and 2600 judgements in the year 2008.

Information in respect of the High Courts is being collected and will be laid on the Table of the House.